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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 EPIC GAMES, INC.,

12 Plaintiff, Counter-Defendant,

13 v.

14 APPLE INC.,

15 Defendant, Counterclaimant.
16

CASE NO. 4:20-cv-05640-YGR

**DECLARATION OF SANGHOON PARK
PURSUANT TO LOCAL RULE 79-5(e)(1)
AND IN RESPONSE TO DEFENDANT
APPLE INC.'S ADMINISTRATIVE
MOTION TO PARTIALLY SEAL ITS
PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

DECLARATION OF SANGHOON PARK

I, Sanghoon Park, declare as follows:

1. I am a Vice President at Samsung Electronics Co., Ltd. (“SEC”) with responsibility for Global Legal Affairs. SEC, which is a Korean entity, is the parent company of Samsung Electronics America, Inc. (“SEA”), which I understand is a non-party in the above-captioned action. I have been employed at SEC since 2004, and in the course of my employment have become familiar with SEC’s treatment of its trade secrets and other proprietary business information, such as those discussed in this declaration. I make this declaration pursuant to Northern District of California Civil Local Rule 79-5(e)(1) and in response to Defendant Apple Inc.’s April 8, 2021 Administrative Motion to Partially Seal its Proposed Findings of Fact and Conclusions of Law (*Epic v. Apple*, ECF No. 408). I know the facts stated herein based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. I understand that on April 7 and 8, 2021, Apple filed an initial version and then a corrected version of its Proposed Findings of Fact and Conclusions of Law (ECF Nos. 405, 410). Apple’s unredacted Proposed Findings of Fact and Conclusions of Law includes highly sensitive, confidential information of SEC. Such information should remain under seal for the reasons stated in this declaration.

3. **Apple Findings of Fact, Paragraph 249.18, Sub 318:** This paragraph discloses some of the confidential terms from the Collaboration Agreement between SEC and Epic Games, including commissions/revenue sharing; and confidential emails between SEC and Epic regarding SEC’s and Epic’s strategy for competing with other major market players. It is SEC’s practice to maintain as highly confidential all of its contracts and non-public, strategy-related communications with its partners. Further, the Collaboration Agreement contains a confidentiality provision requiring that both SEC and Epic maintain the agreement as confidential. The entirety of Apple’s paragraph 249.18 sub 318 contains SEC confidential information, and therefore a request to seal the entire paragraph is narrowly tailored.

4. **Apple Findings of Fact, Paragraph 273.1:** This paragraph discloses some of the confidential terms from the Collaboration Agreement between SEC and Epic Games, including

1 commissions/revenue sharing; and confidential emails between SEC and Epic regarding SEC's
 2 and Epic's strategy for competing with other major market players. It is SEC's practice to
 3 maintain as highly confidential all of its contracts and non-public, strategy-related
 4 communications with its partners. Further, the Collaboration Agreement contains a confidentiality
 5 provision requiring that both SEC and Epic maintain the agreement as confidential. The entirety
 6 of Apple's paragraph 273.1 contains SEC confidential information, and therefore a request to seal
 7 the entire paragraph is narrowly tailored.

8 5. **Apple Findings of Fact, Paragraph 356 (in part):** The portion of this paragraph
 9 redacted by Apple discloses confidential emails between SEC and Epic regarding SEC's and
 10 Epic's strategy for competing with other major market players. It is SEC's practice to maintain as
 11 highly confidential all of its non-public, strategy-related communications with its partners. Apple
 12 redacted the portions of paragraph 356 that contain SEC confidential information and left the
 13 remaining portions of the paragraph unredacted and viewable by the public. SEC's request to seal
 14 the portion of paragraph 356 redacted by Apple is thus narrowly tailored.

15 6. **Apple Findings of Fact, Paragraph 477 (in part):** The portion of this paragraph
 16 redacted by Apple discloses some of the confidential terms from the Collaboration Agreement
 17 between SEC and Epic Games, including commissions/revenue sharing. It is SEC's practice to
 18 maintain as highly confidential all of its contracts with its partners. Further, the Collaboration
 19 Agreement contains a confidentiality provision requiring that both SEC and Epic maintain the
 20 agreement as confidential. Apple redacted the portions of paragraph 477 that contain SEC
 21 confidential information and left the remaining portions of the paragraph unredacted and viewable
 22 by the public. SEC's request to seal the portion of paragraph 477 redacted by Apple is thus
 23 narrowly tailored.

24 7. **Apple Findings of Fact, Paragraph 534.3 (in part):** This paragraph discloses
 25 confidential information concerning SEC's operation of the Galaxy Store. It is SEC's practice to
 26 maintain this material as highly confidential. Apple redacted the portions of paragraph 534.3 that
 27 contain SEC confidential information and left the remaining portions of the paragraph unredacted
 28 and viewable by the public. SEC's request to seal the portion of paragraph 534.3 redacted by

1 Apple is thus narrowly tailored.

2 8. **Apple Findings of Fact, Paragraph 697.1:** This paragraph discloses and quotes
3 some of the confidential terms from the Collaboration Agreement between SEC and Epic Games,
4 including methods for in-application purchases and use of customer information. It is SEC's
5 practice to maintain as highly confidential all of its contracts with its partners. Further, the
6 Collaboration Agreement contains a confidentiality provision requiring that both SEC and Epic
7 maintain the agreement as confidential. The entirety of Apple's paragraph 697.1 contains SEC
8 confidential information, and therefore a request to seal the entire paragraph is narrowly tailored.

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10 I declare under penalty of perjury of the laws of the United States of America that the
11 foregoing is true and correct. This declaration was executed this 12 day of April 2021, in
12 Seoul, Korea.

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